



City of Rockville

## MEMORANDUM

June 16, 2004

TO: City of Rockville Planning Commission

FROM: Scott Parker, AICP, Planner III

VIA: Bob Spalding, AICP, Chief of Planning

SUBJECT: Proposed Zoning Text Amendment TXT2004-00211; To allow the addition of "nursing homes" as a permitted use within residential areas approved through the Comprehensive Planned Development (CPD) special development procedure.

### BACKGROUND

The Zoning Ordinance provides for the Mayor and Council to review new text amendment applications to determine if further consideration of the application is appropriate. Those deemed appropriate are referred to the Planning Commission for review and recommendation (Section 25-143(b)). If upon preliminary review of an application, the Mayor and Council ☐ determines that it should not be considered further, a resolution denying the application shall be adopted ☐ (Section 25-143 (a)).

With respect to King Farm, the development was approved and authorized under Resolution of Approval 10-96 and a Concept Plan associated with a CPD special development procedure (CPD95-00002).

The applicant for this text amendment has also applied for concept plan amendment CPD1995-0002B, which requests a change to the approved concept plan for King Farm to allow a senior housing component within the Phase III (Irvington Centre) section of the development, in lieu of 1.2 million square feet of previously approved office square footage. The Planning Commission will evaluate the concept plan amendment at a future date. The text amendment that is the subject of this request specifically requests that nursing homes be added to section 25-643 (9), which is the section of the Ordinance pertaining to uses permitted within residential areas of a CPD.

## ANALYSIS

Section 25-643 (9) currently reads as follows:

- (9) Residential
  - a. Detached one-family dwellings;
  - b. Attached dwelling units;
  - c. Multiple-family dwellings;
  - d. Housing for elderly and physically handicapped;
  - e. Semi-detached dwellings may be approved as part of a CPD concept plan application to accommodate provision of moderately priced dwelling units.

The text amendment would add:

- f. nursing homes.

As previously stated, the applicants are also proposing a concept plan amendment related to senior housing. The proposal is to provide a senior living component to the concept plan in lieu of 1.2 million square feet of approved office square footage. The senior living component would take the form of independent living, assisted living and nursing home uses. The statement of the applicant (Attachment 1) sets forth the rationale for the text amendment.

Section (9)d referenced above would allow for the independent and assisted living aspects of the concept plan amendment proposal, but not the nursing home component. Therefore, the applicant has requested the inclusion of nursing homes as a permitted use.

## RECOMMENDATION

While generally supportive of the addition of nursing homes to the permitted residential uses of the CPD section of the Ordinance, staff is recommending changes to the language that was provided by the applicant in order to provide more clarification to the proposal, as well as to mitigate some potential problems that the text amendment as submitted may create.

Staff feels that while assisted living and independent living can indeed be accommodated under current ordinance allowances as referenced within this memo, nursing homes are potentially a more intense use, more akin to a commercial use than a residential use. This is evidenced by the typical structures housing nursing home uses, the common provision of 24-hour a day doctor and nursing care and staffing, and the use of ambulances and other similar transport.

The text amendment as submitted would allow nursing homes in all residential areas of a CPD, and staff believes that the potential for the type of intensity associated with this use makes it inappropriate to allow in all residential areas of a CPD.

Staff does believe, however, that in the overall context of the senior housing change in the concept plan, that nursing home language should be modified as follows:

- f. nursing homes, in areas the concept plan has specifically identified as areas of senior housing uses.

The effect of this change would result in the reading of the section as follows:

- (9) Residential
  - a. Detached one-family dwellings;
  - b. Attached dwelling units;
  - c. Multiple-family dwellings;
  - d. Housing for elderly and physically handicapped;
  - e. Semi-detached dwellings may be approved as part of a CPD concept plan application to accommodate provision of moderately priced dwelling units.
  - f. nursing homes, in areas the concept plan has specifically identified as areas of senior housing uses.

With this change, staff supports the text amendment, with the understanding that the concept plan will be amended by the Mayor and Council after review by the Planning Commission.

/sep

- Attachments:
- 1. June 2 Letter of Justification from Applicant
  - 2. Text Amendment Application
  - 3. Area Map of Proposed Concept Plan Amendment